

making a legislative authority, the doing of that which is properly the subject of a private act of parliament. (*l*) Nor have I been able to find any case in the English books in which the court has undertaken to change the nature of an infant's inheritance by selling the land itself, and investing the proceeds of the sale for his benefit; or in which the court has sanctioned any such sale made by the guardian or trustee of an infant.

In the management of a lunatic's estate, in England, looking to his maintenance and the payment of his debts, if the court sees that his advantage would be promoted by selling a part of his real estate, inconvenient, ill conditioned, &c. for these purposes, it would have no difficulty in doing so without making any saving of his rights over the property into which it had been converted; (*m*) such as is here made by our acts of Assembly when a sale is made of a lunatic's real estate for his maintenance, &c. (*n*) But where, under our act of Assembly, a portion of an infant's real estate is required to be sold to save his personalty, no saving is directed to be made for the benefit of any one. (*o*)

In England the conversion of an infant's personal into real estate, by the purchase of lands, has been rarely or ever prohibited by the court, when made with a proper saving of the infant's rights; because of the great additional security which is thus given to his property. Such a conversion is regarded as a permanently safe investment of the infant's personalty; which, with due care, may always be made without loss, and can seldom fail to be advantageous to him; (*p*) particularly during the prevalence of those epidemic speculation fevers, which for some seasons have been attended with such frightful ruin in Europe; (*q*) and have many times spread so much confusion and distress over our country. (*r*) It is declared, however, that all changes in the nature of an infant's property should be avoided as far as practicable; and that none should be made without an entire saving of his rights; or whereby

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(*l*) *Taylor v. Phillips*, 1 Ves. 229; *S. C.* 2 Ves. 23; *Belt's Supp.* 120, 258; *Harvey v. Ashley*, 3 Atk. 613; *Russel v. Russel*, 12 Cond. Chan. Rep. 258; In the matter of —, a minor, 12 Cond. Chan. Rep. 259; *Mackworth's case*, 1 Vern. 461.—(*m*) *Ex parte Phillips*, 19 Ves. 123.—(*n*) 1785, ch. 72, s. 6; 1800, ch. 67, s. 5; 1828, ch. 26, s. 3; 1829, ch. 222; 1833, ch. 150.—(*o*) 1818, ch. 193, s. 8; *Waring v. Waring*, 2 Bland, 676.—(*p*) *Doughty v. Bull*, 2 P. Will. 320; *Terry v. Terry*, Prec. Chan. 273; *Inwood v. Tyne*, 2 Eden, 148; *Webb v. Shaftsbury*, 6 Mad. 100.—(*q*) *Chambers v. Chambers*, Fitzgib. 127; *S. C.* Mosely, 333; *Terry v. Terry*, Prec. Chan. 274; *Harrison v. Hart*, Comyns, 394; *Rees' Cyclo. art. John Law*; *Collyer on Partnership*, 618; *Chalmer v. Bradley*, 1 Jac. & Walk. 59.—(*r*) *Hoye v. Penn*, 1 Bland, 41, note.